



City of Carmel

CARMEL PLAN COMMISSION JUNE 21, 2005 Minutes

The regularly scheduled meeting of the Carmel Plan Commission met at 6:00 PM in the Council Chambers of City Hall, Carmel, Indiana on Tuesday, June 21, 2005. The meeting opened with the Pledge of Allegiance.

John Molitor administered the Oath of Office to new Commission Member, Nicholas Rhoad.

Members present were: Jerry Chmanczuk; Leo Dierckman; Dan Dutcher; Wayne Haney; Dianna Knoll; Mark Rattermann; Nicholas Rhoad; Rick Ripma; Susan Westermeier, thereby establishing a quorum.

The minutes from the May 17, 2005 meeting approved as submitted

Legal Counsel Report: John Molitor reported the results of an Executive Committee meeting that proposed a change in the Rules of Procedure to govern Committee proceedings. The Executive Committee did not take a vote on whether or not to recommend the Rules change to the full Commission; however, each member has been polled individually and if the members want to join in making a motion to adopt the change in Rules, that would be in order at this time.

Dianna Knoll made formal motion to approve the procedural rules change governing Committee proceedings, seconded by Jerry Chomanczuk, Approved 7 in favor, 0 opposed, 2 abstaining (Rattermann, Rhoad.)

Department Announcements: Adrienne Keeling gave a brief review of the recent Urban Design Initiative Sponsored by the Department of Community Services. Meetings have focused on the "central core" of the City area. The final document will likely be a manual-type document to be used as a guideline in decision-making to shape the development of the "central core" and would be a basis for revisions in the Comprehensive Plan. Up-dates will follow; hopefully there will be a meeting toward the end of July.

Matt Griffin announced that items 1h. and 2h. are being TABLED to the July 19, 2005 meeting.

H. Public Hearings:

S:/PlanCommission/Minutes/PC/2005june21

1h. Docket No. 05020043 DP/ADLS: Barker Law Office

The applicant seeks to convert a residential lot and structure into a Law Office. The 0.25 acre site is located at 650 North Range Line Road and is zoned B5 (Business). Filed by David J. Barker.

TABLED to July 19, 2005

2h. Docket No. 05020037 DP/ADLS:

Providence at Old Meridian Phase 4 - Townhomes at Providence 2

The applicant seeks to construct 31 townhomes on 1.6 acres. The site is located at 11559 Old Meridian Street and is zoned OM-MU (Old Meridian - Mixed Use). Filed by Jim Shinaver for Buckingham Companies.

Continued to July 19, 2005, meeting per applicant request

3h. Docket No. 05040027 DP/ADLS: West Carmel Center Office Park

The applicant seeks to create 4 office buildings on approximately 6 acres±. The site is located southeast of Commerce Drive. and Carwinion Way. The site is zoned B-5. Filed by Jack Lashenik of American Consulting, Inc. for Coastal Partners, LLC.

***Note:** This item heard out of sequence due to the tardiness of the petitioner.

Dianna Knoll made formal motion to suspend the Rules of Procedure in order to keep the Public Hearing open at the July 5, 2005 Special Study Committee, seconded by Dan Dutcher, Approved 8 in favor, none opposed, 1 Abstaining (Rhoad.)

Jack Lashenick, Professional Engineer with American Consulting, Inc. appeared before the Commission representing the applicant, Fred Baumgarten and Fred Keeshon. Also in attendance: Paul Meyer, JAR Architects.

The subject site is located in West Carmel Center, Block E, southeast of Commerce Drive and Carwinion Way. At this time, the petitioner is requesting ADLS approval for Phase I consisting of buildings one through four. The petitioner also provided elevations of the signage, the dumpster enclosure, and shelter elevations.

Mr. Lashenick reported that the petitioner met with the representatives of the homeowners association and discussed the project. The majority of the comments from the homeowners have been addressed and are continuing to be addressed.

Paul Meyer, JAR Architect, commented that this is a transitional zone between the large scale retail development occurring and the existing homeowners and the potential property across the lake at this point. One of the things the petitioner attempted to do in the design of the buildings is design them with more residential style; they are small-scale office, designed for single user for

multi-tenant spaces. The subject site is a transitional piece between the larger office and again, the residential nature. Some of the materials include residential-style brick, moderately tinted glass to allow for reduction in air conditioning load on the building, accents that are pre-cast material with limestone-like and red brick. The brick is more rough brick, coarse texture and fits more with the residential architecture.

The air conditioning units and mechanical equipment will be rooftop equipment, and hidden by a “valley” in the mansard roof enclosure. From the adjoining homes and even from the roads, the mechanical equipment should not be seen at all.

In working with the Department, the buildings have been designed so that the buildings are pushed a little closer to the street; this allowed the buildings to be screened from the parking lot. Landscaping will be used to act as a buffer between the parking , the building, the pond, and the adjoining neighbors.

Looking across the pond from the adjoining neighborhood, there is somewhat of a berm caused by the level of the pond. There will be extensive landscaping on the border strip; one of the conflicts has been with the local drainage board in wanting a 15-foot easement with no plantings or pathway for easy pond maintenance. Therefore, the pathway will be eliminated and the plantings will be shifted somewhat to provide for the easement.

The petitioner is working with the neighborhood association to make sure their concerns regarding lighting, etc. are being addressed.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Remonstrance, General Public/Unfavorable:

Chris Commons, 3871 Carwinion Way, representing Ashbrooke, expressed concerns as being the general, visual appeal of the development across the lake. Currently, the homes along the lake have a 15-20-foot berm that rises from the lake and provides a nice blockage of all the development that is being constructed along Michigan Road. A letter was submitted by Mr. Van Soulen expressing all of the concerns, including dumpster location, deciduous trees in the landscaping plan—more evergreens are being requested, and the primary concern is some sort of visual blockage, perhaps a berm or a fence across the entire development or the length of the parking.

***Note: The public hearing remains open on this item at the Committee level**

Rebuttal:

Mr. Lashenick requested that he be given an opportunity to submit a written response at the Committee level.

Department Comments, Matt Griffin requested verification from the Urban Forester that the revised landscape plan meets the requirements of the Ordinance. In addition, any changes to be made in response to the homeowners association should be submitted to the Department for review.

Jerry Chomanczuk commented that the parking looks as if it is short by 30 spaces. For buildings two and three, parking will eventually be very short.

The petitioner responded that 109 are required, 141 are being provided. The parking will be clarified at the Committee level.

Dan Dutcher questioned access from the trail to the buildings and picnic shelter; this should also be looked at during Committee review.

Docket No. 05040027 DP/ADLS West Carmel Center Office Park was referred to Special Study Committee for further review on July 5, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

**4h. Docket No. 05040008 DP Amend/ADLS Amend:
Brownstone Homes at Guilford Reserve**

The applicant seeks to construct 40 townhomes on 4.993 acres. The site is located at 1101 South Guilford Road and is zoned PUD.

Filed by Robert Barbato for Crawford Development, LLC.

Larry Kemper, attorney with Nelson & Frankenberger appeared before the Commission representing the petitioner. Also in attendance: David Klain and Robert Barbato, Crawford Development, LLC, and Adam DeHart, Keeler-Webb Associates.

The subject site is located east of Guilford Road, north of 116th Street, south of Carmel Drive and immediately east of the Lenox Trace Condominiums. Other uses in the area include single-family residence and a mix of light, commercial and industrial uses. The real estate was rezoned to a PUD by the City Council on June 6, 2004. The Development Plan associated with the rezone request was also approved.

The original Development Plan permitted construction of 48, up-scale brownstone-style townhomes, however, subsequent to obtaining the rezone and development plan approval, Crawford Develop. learned that certain floodway and flood fringe issues existed relating to Carmel Creek. The flood fringe and floodway issues resulted precluded the construction of 13 units in the initial plan.

As a result, Crawford Development is requesting approval of an amended Development Plan that reconfigures the site to take into account the floodway and flood fringe issues. The total number of townhomes initially proposed and originally approved was 48 units; the current, amended development plan now shows 40 units.

The reconfiguration of the site has also resulted in minor adjustments to parking, landscaping, and also location of certain light fixtures. The ADLS Amendment request is simply to reflect relocation and elimination of certain light fixtures in the parking areas. Otherwise, the building elevations, signage, landscaping, community mailbox structure, and even the light fixture illustrations from the original approval remain unchanged.

Members of the public were invited to speak in favor of, or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin reported that Department is waiting for two outstanding approvals, one being from the Hamilton County Surveyor's Office, the other from the Carmel Engineers. Most details have already been seen and approved, but final approval from the surveyor and engineers to verify that there is no further conflict with the flood plain and flood plain area is still outstanding. The Department is recommending suspension of the Rules of Procedure and a vote this evening, contingent upon approvals from the surveyor and engineer's office.

Adam DeHart addressed the Commission and reported that he has been in correspondence with the City Engineer and County Surveyor. The petitioner has no problems committing to bringing this project into compliance with any issues from the Engineer's office and the Surveyor.

Jerry Chomanczuk asked about the current parking ratio.

Larry Kemper responded that the prior parking ratio was 2 ¾ spaces per unit, plus 22 land-banked spaces in reserve for future use. The current plan provides for 2 parking spaces per unit and 35 additional spaces. There are not as many land-banked spaces; the current revised ration is 2.875 parking spaces per town home.

Jerry Chomanczuk asked about the cul-de-sac that has been created and the wetlands area. Was there any concern given to the fact that there is a large retention pond, screened by trees, a short distance from the townhomes? It looks like a choice place for kids to run and play.

Larry Kemper responded that the main purpose of the cul-de-sac was for fire safety. Adam DeHart added that the City preferred the cul-de-sac on the east side of the Creek as opposed to the west for maintenance and security purposes.

Dan Dutcher said he would like to see the area "dressed-up." Perhaps the petitioner could commit to dressing up the area with significant landscaping; Dan was willing to delegate authority to approve landscaping in this area.

Dianna Knoll made formal motion to suspend the Rules of Procedure and bring this item to a vote this evening, seconded by Dan Dutcher, Approved 8 in favor, 0 opposed, 1 Abstaining (Rhoad.)

Mark Rattermann made formal motion to approve Docket No. 05040008 DP Amend/ADLS Amend, subject to approval by the Hamilton County Surveyor/Drainage Board, any Engineering concerns

being addressed, and approval of the landscape plan around the cul-de-sac by the Department, seconded by Jerry Chomanczuk, Approved 8 in favor, none opposed, one abstaining (Rhoad.)

5h. Docket No. 05040026 DP/ADLS: Burford Office Park

The applicant seeks approval to construct a 2 building office complex on 1.73 acres in conjunction with the following rezone:

Docket No. 05040028 Z: Burford Office Park

The applicant seeks to rezone 1.73 acres from R1 and R3 to B5. The site is located at 10430 Delaware St. N and is zoned R1 and R3, and is within the Home Place District Overlay Zone.

Filed by Jim Shinaver for Burford Properties, LLC.

Jim Shinaver, attorney, Nelson & Frankenberger appeared before the Commission representing the applicant. Also in attendance: Dr. Lynn Burford; Shawn Curran, Architect; Debbie Shumaker, Harding, Dauhm, Grubb & Ellis.

Dr. Burford is an optometrist, currently with offices in Carmel located at 10293 North Meridian Street. Dr. Burford has been at this location for approximately 8 years. Due to the growth of Dr. Burford's practice, it is necessary to re-locate, and a site east of and adjacent to Pennsylvania Street and south of 106th Street has been selected.

The subject site consists of 4 parcels, 1.73 acres, currently zoned R-1 and R-3 Residential. Dr. Burford desires to rezone these parcels to B-5 Business classification in order to permit the development of two office buildings on this site. It is important to note that zoning commitments have been filed in connection with the zoning change application. The commitments specifically state that only general and/or professional office uses can exist on this site and that all other B-5 permitted uses shall be prohibited on this site. The real estate is within the Home Place District Overlay Zone and specifically the west Home Place Commercial Corridor. The Comprehensive Plan designates this area as real estate as the edge between medium intensity residential community area and low intensity regional community, commercial employment area. The petitioner believes that a rezone request for the development of these two office buildings is appropriate for this site.

The B-5 Business Classification is intended to provide a transition buffer between heavier business uses on the west side of Pennsylvania near Meridian and the residential uses located east of the subject real estate. Per explanations in the zoning ordinance, the B-5 Business classification is frequently found in close proximity to residential areas and/or inter-mixed with residential areas. The intention of the B-5 Business classification is to allow for compatible mixture of residential uses adjacent to general office development. West and adjacent to the subject real estate are numerous parcels that are currently zoned B-5 Business.

In conjunction with the rezone request, the petitioner is also seeking Development Plan and ADLS approval for the site. The ingress/egress for the site will be adjacent to Pennsylvania Street and aligned directly with the curb cut on the opposite side of Pennsylvania Street. Additional right-of-way will be dedicated, pursuant to the Thoroughfare Plan of Carmel.

The building located on the northern portion of the site will be approximately 6,780 square feet in size and is referred to as Phase I development. If the rezone and ADLS are approved, Dr. Burford would build the Phase I building as soon as possible. The second building on the southern portion of the site is referred to as the Phase II building. If the DP/ADLS were approved, Dr. Burford would not be constructing the phase II building until a future date. The elevations for both buildings are essentially the same as well as the building materials, and DP/ADLS approval is requested for the second building at this time. The phase II building will be approximately 3,720 square feet in size.

Parking is provided between the Phase I and Phase II buildings on the site, and is in compliance with the Ordinance. The petitioner is in the process of preparing commitments regarding the requirements of an asphalt path to be constructed adjacent to Pennsylvania Street. Because there is a contemplated road-widening project for Pennsylvania Street, if the path were to be constructed at this time, ultimately it would have to be torn down and relocated after the road-widening project. At the suggestion of the Department, the petitioner will be putting together commitments regarding the estimated financial cost of construction of the asphalt. The commitments will be recorded when they are approved by the City and then financial contribution made by the petitioner so that after the road-widening, the City would have the funds from Dr. Burford to install the asphalt path.

The landscape plan locates the landscape plantings along the dry detention areas. The Hamilton County Surveyor's office is contemplating a potential drainage improvement project for this area. The petitioner is in the process of scheduling meetings with the County and the Department of Engineering to determine how the proposed site drainage can be coordinated.

Limestone has been incorporated around the windows. The buildings will have a sloped roof, will appear residential in nature and will be consistent and compatible with the adjacent residential structures in this area.

The ground sign for the site will be located on the northern portion of the entry drive into the site. The ground sign will have copy on each face of the sign face. The sign will be constructed of the same building materials as the phase I and phase II buildings and will incorporate the same type of brick and limestone cap. The ground sign will be illuminated by ground lighting; no variance is required for the size of the sign.

The trash enclosure structures have walls on all four sides with an entry gate at the front. The trash enclosure structures will utilize the same building materials as the ground sign and the buildings.

One of the neighbors, a Mr. Hartman, had expressed concern on two general issues. The first issue was the landscape planting on the north side of the property. Currently, the landscape plan provides for four Hackberry trees on the northern edge of the site. Mr. Hartman was concerned with the width, height, and spread of the Hackberry trees upon maturity. The petitioner is willing to work with Mr. Hartman and Scott Brewer, the City Urban Forester, to determine if a different type of tree

species could be planted that would allow the petitioner to still meet the requirements of the Ordinance and yet offer Mr. Hartman some comfort with the trees on the northern property edge.

Mr. Hartman was also concerned with related site drainage. The petitioner is continuing to work with the Hamilton County Surveyor concerning what they may be doing in this area. The petitioner has welcomed input from Mr. Hartman and offered to keep him up-dated. Any drainage must meet not only City standards but also County regulations applicable to the site.

It is the petitioner's understanding, based on their proposal, that this is the type of project the Overlay envisions. The petitioner looks forward to review at the Committee level.

Members of the public were invited to speak in favor of or in opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin commented that given the constraints of this previously residential property, the setbacks are a little stiff to allow this type of project to occur. The Department will be bringing an Ordinance Amendment before the Commission next month that will lessen the setbacks from the property lines to allow some free development to occur in this Overlay Zone. The Dept. is recommending that the petitioner work with Scott Brewer to identify any buffer yard issues that might arise and determine a feasible plan for landscaping in the Overlay Zone. The Department is recommending this item be referred to the Subdivision Committee in order to even out the workload.

Jerry Chomanczuk recommended that the petitioner bring building material samples for Committee review. Also, there is a question regarding the expansion of Pennsylvania Street and any possible impact the proposed project may have.

Mark Rattermann asked about the number of required parking spaces. Matt Griffin referred to the Ordinance as being one space per 250 square feet of medical office space and 42 spaces would be required.

Mark Rattermann said the parking is definitely inadequate and will be a problem. There are no cross-easements, and no additional parking—this is a concern.

Mike Hollibaugh, Director of the Department of Community Services addressed the Commission and reported that the parking standards are currently being reviewed and some modifications are in being. There will be some revisions to the Parking Ordinance presented to the Commission later this summer.

Docket No. 05040026 DP/ADLS, Burford Office Park was referred to the Subdivision Committee for further review on July 5, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

6h. Docket No. 05050001 DP/ADLS: Nightingale Home Healthcare

The applicant seeks approval for an office building on 1.23 acres±. The site is located at 1036 S Range Line Rd, and is zoned B-3/Business within the Carmel Dr-Range Line Rd Overlay.

Filed by Mark Swanson of Mark Swanson Associates.

Mark Swanson, Mark Swanson Associates, Architects appeared before the Commission representing the applicant. Dennis Lockwood, Mark Swanson Associates, and Kevin Roberts, DeBoy Land Services were also in attendance.

The subject site is located at 1036 South Range Line Road. Rich's Furniture is located directly to the north and to the south are some residential buildings currently being used for businesses and currently zoned B-3/Business.

The subject site currently houses the Nightingale Home Healthcare; parking area is to the east of the existing building. The proposed building on the site will cause the existing building and parking lot to be removed. The parking lot will be located directly west of the proposed building; there will also be underground parking in a garage beneath the building.

As a side note, a bicycle parking area has been incorporated into the north side of the building.

The east elevation faces Range Line Road, and the north elevation faces Rich's Furniture. The materials on the building will be primarily brick veneer, the structure itself will be built of steel with concrete floors, limestone entry with limestone accents, and glass and glazing for the windows. (Material samples were displayed at this time.) The HVAC equipment will be located on the roof and will be screened from view. The west elevation indicates an entry for the parking garage area beneath the building. The south elevation was also shown; all elevations are brick with limestone accents.

The signage proposed is for one sign located across the top of the building indicating Nightingale Home Healthcare, 20-inch letters, back-lit metal letters and in compliance with the Sign Ordinance. The light plan and cut sheets for the fixtures were included in the informational booklets. The landscape plan includes perimeter plantings around the entire site. Some of the plantings on the site have been consolidated to two major islands rather than several islands per the request of the Urban Forester.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin commented that the Staff is currently working with Engineering to determine the desired cross-section for that portion of Range Line Road. The petitioner possibly will be changing the width of not only the sidewalk but the planting area as well. This might be looked at during Committee review. Additionally, there are some changes that may occur in the

landscaping plan given the direction of Scott Brewer. There were to be some plantings to the west between the rear access and the site, but that should be verified.

In response to Mark Rattermann's questions, Mark Swanson said there are 101 parking spaces allocated for the project; the building is 30,000 square feet.

Wayne Haney noted that the parking on the southern portion of the site slopes down into the basement area and the handicap spaces would have elevator access to the upper floors. The main entrance is the floor above the parking garage—confirmed by Mark Swanson.

Rick Ripma questioned the bicycle parking that provides for only one bicycle. Mark Swanson responded that one space meets the Ordinance, however, more spaces will probably be added.

Rick Ripma asked if there were any provision for a seating area to the front of the building. Mark Swanson responded that at this time, there is none provided, but they are not opposed to a seating area and could go over that item at Committee.

Jerry Chomanczuk said he was intrigued by the window frame design and asked if it would be consistent with what will be installed.

Mark Swanson said the windows will probably be divided and the mullion divisions will vary around the building. What is presented is probably the closest representation at this point in time. The only variation is if windows were moved from area to area. Basically, the mullions will break up the windows in a similar pattern. Jerry Chomanczuk asked for more information on the window design to be submitted to the Committee for review.

Leo Dierckman commented that the brick had an "institutional" feel—like a hospital. This site is a very critical location.

Mark Rattermann asked about the number of parking spaces—spaces being counted on another project? Mark Rattermann felt that Rich's Furniture had counted those parking spaces to meet the Ordinance and those same parking spaces are being counted again with this project in order to meet the Ordinance—the spaces are not even on the site. This is a definite problem area.

Mark Swanson responded that about 25% of the parking is off-site. At this time, Nightingale does have a written agreement with Rich's Furniture for additional parking.

Nick Rhoad asked about connectivity plans to connect the Healthcare Center to the Monon and/or the City Center Development.

Mark Swanson responded that from the sidewalk along Range Line Road to the west side of the property, (the back of the property) the parking area is connected to Veterans Way. A sidewalk is also indicated leading to Veterans Way from the Healthcare property that will be aligned with the walk that actually encompasses City Hall.

Docket No. 05050001 DP/ADLS, Nightingale Home Healthcare was forwarded to the Special Study Committee for further review on July 5, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

7h. **Docket No. 05050003 Z: Fortune Rezone**

The applicant seeks to rezone 43.6 acres from S1 to PUD for the purpose of developing a site with single family homes, townhomes, and limited commercial uses. The site is located at 2555 W 131st Street and is zoned S1.

Filed by Charlie Frankenberger.

Charlie Frankenberger, 5212 Carrington Circle, Carmel, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also in attendance: Paul Shoopman, Indiana Land Development; Jud Scott, Arborist, Vine & Branch.

The 43-acre site is located south of 131st Street and west of Towne Road. Nearby subdivisions include Laurel Lakes, Hayden Run, Shelborne Park, and The Lakes at Hayden Run. As indicated in the Department Report, Fortune Farms is between two sections of the Village of WestClay; an extension of the Village of WestClay Town Center is located to the northeast of the site.

Sub-area C will be developed as detached, single-family residences. There are basically two types—one is a traditional neighborhood development with garages that are accessed in the rear. The other detached, single-family product is homes with garages that are accessed by driveways to the front.

Sub-area B to the north could be developed for townhomes and for detached, single-family residences as well. Examples of possible townhomes are included in the informational packets.

Sub-area A closest to 131st Street permits development for residential, detached single-family and townhomes; also civic uses and limited commercial uses. The permitted civic uses and limited commercial uses are very similar to the permitted special uses. In order to permit the opportunity for the civic and limited commercial uses, Indiana Land Development has agreed to not develop sub-area A residentially for one year after the enactment of the proposed PUD Ordinance. The application for Development Plan approval and Primary Plat approval for sub-area C and sub-area B were filed after the Rezone because that detail was not known at that time. The petitioner does recognize that any approval by the Plan Commission of the primary plat and the development plan is subject to the enactment of the proposed zoning ordinance.

In an effort to open communications and answer questions, a meeting was held with nearby neighbors and comments and inquiries were received. At this time, the petitioner looks forward to Committee review.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Public Remonstrance/General, Unfavorable

John A. Smith, 2885 West 131 Street. Requested preservation of residential neighborhood as initially set out in the City Master Plan and Comprehensive Plan. Mr. Smith was definitely opposed to Sub-Area A that permits some commercial development, and opposed to the rezone to a PUD, since it already exists next door. This proposal would be duplication, and a change in the zoning of the residential area.

Dan Muehlenbein & Karen Muehlenbein, 2995 West 126th Street, owner of the 38.65 acre tract on the south side of 126th Street, directly across the street from the southern boundary of the proposed development. A letter of objection has been filed with the Plan Commission. 1) Traffic turning onto 126th Street will be disruptive to the residents of the two houses on their property and will adversely affect their ability to lease these houses. The Muehlenbeins requested that the intersection be located 320 feet east and would align with the vacant portion of the Muehlenbein's farm land and would also align with the most likely access point into the Muehlenbein's property should it be developed in the future. 2) The proposed homes do not appear to be consistent or equivalent in architectural design and detail to the homes in the surrounding subdivisions of Laurel Lakes, Wexley Chase, or the Village of WestClay.

John Johanses, 3041 West 126 Street, concurred with comments made by the Muehlenbeins, and is opposed to ingress/egress that jeopardizes the safety of his family, since they spend a lot of time in front of their home—their deck is in front and the family plays in front of the home. It would help preserve his family's quality of life if the ingress/egress were re-located.

Bruce and Nancy Young, 2727 West 131st Street, concurred with comments made by previous speakers and also had serious concern that the proposal will be approved and passed on before they have had a chance to study and understand the ramifications on their quality of life, the value of their property, and the added traffic. Mr. Young was opposed to commercial development in this proposal as well.

Dee Fox, 11389 Royal Court, Huntington Chase Subdivision, read a letter of opposition stating a number of concerns, including little to no recreational land use, no park area; commercial uses are not neighborhood serving; 4 stories are ludicrous, setbacks in the Ordinance are meaningless in this proposal; etc. Ms. Fox requested denial of this specific proposal and any future proposal of this type and requested the Commission support the Comprehensive Plan.

Letter from Marilyn Anderson, 3884 Shelborne Court, (read to the Commission by Dee Fox) requested support of the Comprehensive Plan. Apparently the Comprehensive Plan has no meaning anymore and is not being supported or carried out. Ms. Anderson was opposed to the density of this development that would increase the traffic in this area—a long-time concern of hers and area residents as well. Ms. Anderson requested denial of the rezone for the commercial/civic area entirely and deny this project.

***Note: Letter of opposition received via email from Brian and Nadine Baker, 2495 Durbin Drive, Crossfields Subdivision;** reasons stated include: commercial serving neighborhood; density; commercial structure, certainly not facing 131st Street; height of commercial structure—4 stories proposed; light pollution; and any alterations to the plan should be brought before the entire Plan Commission.

The petitioner reserved comments for rebuttal at the Committee level.

Dan Dutcher asked for clarification and what constitutes areas A, B, and C and which of those areas would be considered potentially commercial uses.

Charlie Frankenberger said his understanding is that sub-area A extends to the base of the lake; sub-area B and C were also pointed out, but Charlie said that in subsequent exhibits, these areas would be more clearly defined.

Dan Dutcher commented that the PUD needs to be clarified as far as permissible uses and those that are not permissible uses.

Charlie Frankenberger responded that the original list of proposed commercial and civic uses submitted by the applicant was much longer and broader. The list has been narrowed through a number of meetings. The permitted civic and commercial uses in area A are intended to be very similar to permitted special uses within the S-1 District. The Ordinance is really saying that the proposed uses are compatible with residential but sufficiently different so that the petitioner would want to retain review and approval. Permitted civic uses include a post office, a library; permitted commercial uses include a clinic or medical health center, a pre-school or small branch of a university. Many of the uses are considered preferable to residential for different reasons—they are generally unoccupied after 5 or 6:00 PM and are low intensity; by their nature, they are compatible with residential. The uses requested are not the full spectrum of retail and commercial uses. The petitioner or subsequent owner could later apply to the Board of Zoning Appeals for their approval of these uses as a special use in the S-1 District.

Jerry Chomanczuk asked for density numbers of all adjacent subdivisions that would be approximate for comparison purposes. Jerry Chomanczuk recommended that the petitioner review the notes of meetings held for the Village of WestClay as a primer for what to expect.

Rick Ripma asked for definition of S-1 zoning and what is the proposed project.

Matt Griffin responded for the Department—the S-1 base density is one unit per acre; the proposed project may be 2.64 units per acre.

Charlie Frankenberger responded that the density would vary depending on the area. Charlie was willing to compute the maximum and minimum density ranges for each area and have those figures available at Committee. The price range projection for the townhomes is \$190, to 250,000. The price range projection for detached, single-family is \$200, to 300,000.

Rick Ripma commented that he was in favor of moving the exit and recommended that the petitioner look at that. Looking at the design, changing the exit is valid. The recreational area looks as if there is not much in the way of recreational area and the project looks awfully dense.

Dianna Knoll commented that what is before the Commission this evening is a rezone to a PUD and what is being looked at this evening could change totally. The density issue is very concerning as well. Dianna encouraged the Special Study Committee to look very closely at the density.

Matt Griffin agreed with Dianna's comment, and also said the Commission should pay particular attention to the development standards being approved as well as the Architectural and Landscaping because that will remain.

Mark Rattermann had done some computing and came up with a density of 9.47 units per acre in section A; 3.72 in section B; 3.58 in section C; and an overall density of 4.83. There was a real struggle at 2.1 and 2.2 units per acre and this project is double what the Village of WestClay battle was about. This project presents a real problem and the petitioner should be prepared.

Dan Dutcher asked that the Committee also look at height restrictions incorporated into the area immediately to the east of sub-area C.

Jerry Chomanczuk commented that at this point, giving a blanket approval in the PUD process and allowing for a year to pass, it seems that many members of this Commission may not be here a year from now. Jerry Chomanczuk asked for more specifics, in other words.

Docket No. 05050003 Z, Fortune Rezone was referred to the Special Study Committee for further review on July 5, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

8h. Docket No. 05050004 Z: Arden Townhomes

The applicant seeks to rezone 12.72 acres from R1 to PUD for the purpose of developing a site with 100 proposed townhomes. The site is located at 1940 E. 136th Street and is zoned R1 – Residential.

Filed by Jim Shinaver for Buckingham Properties.

Jim Shinaver, attorney, Nelson & Frankenberger appeared before the Commission representing the applicant. Also in attendance: David Leazenby, Vice President of Land Development for Buckingham Companies, and Rich Kelly, Engineer, EMH&T Engineering.

The petitioner is seeking to rezone a parcel of real estate from the R-1 Residence classification to a Planned Unit Development Ordinance in order to develop the site for Townhomes. The common address of the real estate is 1940 East 136th Street. The real estate consists of approximately 12.72 acres north of and adjacent to 136th Street and west of and adjacent to the Carmel High School Football Stadium. The real estate is also south of and adjacent to the Cool Creek Apartments, and east of Range Line Road.

The petitioner will be providing access to the Cool Creek Trail that will cross Range Line Road and eventually meet up with the Monon Trail farther to the west. North and adjacent to the subject real estate are parcels zoned B-3 Business; also north and adjacent to the real estate is a large residential complex known as Cool Creek Apartments, and farther west of the real estate are additional parcels zoned B-1 Business, B-2 Business, and B-3 Business as well as I-1 Industrial. Although the parcel is zoned R-1 Residential, it is generally surrounded by some fairly intense uses. The real estate can serve as an important transitional parcel between these different, adjacent uses.

In order to accomplish the buffer, Buckingham Companies is seeking to rezone the real estate to a PUD, Planned Unit Development, to permit a townhome development consisting of 100 units. The southern point of the property is the only point of ingress/egress for vehicular traffic. The buildings will be positioned on the eastern portion of this site. There is a tree conservation plan for the western portion of the site and other open space areas on the southern portion of the site near the entrance. There will also be internal plantings along the internal roadways as well as perimeter plantings along the northern and eastern portions of the site.

There is a trail access connection point that would allow residents of Arden Townhomes as well as members of the general public to be able to access the site on the southern portion, traveling north and then accessing the Cool Creek Trail Extension. The trail access point will be a benefit not only to the Arden community but also members of the public at large.

Under the terms of the PUD, the front and side building elevations will be constructed of at least 70% masonry, excluding doors, soffits, trim, windows, gables and roofs. The maximum building height will be 40 feet.

The parking analysis provides a comparison of how the parking will be accommodated when compared to Monon on Main and Traditions on the Monon. In addition to the two garage spaces for each unit, the driveways for each unit are sufficient length that two cars can be accommodated on each driveway. In addition, there are 54 off-street parking spaces.

At this time, the petitioner is only seeking a rezone and not a Development Plan/ADLS approval of the actual buildings to be constructed. If the rezone were approved, the petitioner would be required to return to the Plan Commission for DP/ADLS review.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Remonstrance/General/Unfavorable

Ron Bird, 2602 Wolf Point Drive, Rochester, Indiana, spoke as Executor of the Estate directly across the street, and the house that enters from 210 East Seventh Street. (Mr. Berg still owns the house at 1841 East 136th Street) Mr. Berg was concerned with the traffic generated on Smokey

Row Road and secondly, the flood plain—where will the water go? Currently, Cool Creek is in a fragile state and has flooded every year since 1939.

David Bird and Kim Bird, 1841 East 136th Street, said his main concern is the Creek and continual erosion from the buildings constructed to the north such as Loew's, Wal-Mart, etc. All of the runoff water that flows into the Creek floods the Creek and over time has eroded Mr. Berg's property. There is also concern for the wildlife in the area that will lose their home, (deer, Blue Heron, etc.) and traffic, especially the school traffic. David Berg said the property does not seem suitable for residents because of the close proximity to the stadium and listening to the High School Band practice every night.

Jeremy Nevitt, 1840 East 136th Street, expressed concern with traffic that would be generated from the number of proposed developments/townhomes in the immediate area such as the Traditions on the Monon, and the construction of a round about.

Nancy Jacobs, 1945 East 136th Street, directly across from the proposed development. Ms. Jacob said her drive and the drive for the proposed development will align and there is only one way in and out of the proposed PUD. Ms. Jacob agreed with previous speakers regarding the density. In addition to Traditions on the Monon at 136th & Rangeline, and Monon on Main, there is also a proposed project at 136th and Old Meridian with offices and townhomes.—where will the traffic go? Another concern is the creek, the flooding, the wildlife, red fox, blue heron, turkey vultures, deer, coyote, etc. Five to ten homes in this area would be OK, it would not generate a lot of traffic, but 100 townhomes is too much with the associated traffic from the high school!

The public hearing was then closed.

Jim Shinaver said he would respond to comments made this evening at the Committee meeting on July 5th. Jim Shinaver committed to prepare a traffic analysis that will address issues discussed tonight regarding traffic flow in this area. Included in the data will be the proposed Traditions on the Monon development. Rich Kelly, Engineer, will also provide detail regarding drainage for the site.

Department Comments, Matt Griffin reiterated that the petitioner should work closely with the Surveyor's Office and bring the details to the Committee meeting. Another point of note, the Commission is voting on a PUD—this will be seen again when the petitioner comes forth with a finalized design, providing the PUD is approved. The PUD will be the guiding factor.

Jerry Chomanzuk asked if the TAC committee had fully reviewed soils and erosion issues connected with the Cool Creek.

Jim Shinaver responded that the type of review and the plans available to the TAC members were not detailed construction drawings that would be seen at the DP/ADLS stage.

Jim Shinaver said he would suggest to his client and the Engineer that plans be put together that may not go to the level of detail required of an ALDS/PUD submittal, but go to the level that shows the important details regarding how drainage works and soil erosion. A meeting would then be scheduled with Hamilton County Soil & Water to have them review the information.

Wayne Haney commented that approving PUD's is like signing a blank check. The Commission needs more information at this stage in order to make an intelligent decision. One way in/out for 250 cars onto Smokey Row—definitely not preferable. The townhomes are 3-4 bedrooms and will have children—there is no park facility and no way of connecting.

Leo Dierckman was concerned about the density.

Dianna Knoll commented that density is a huge issue—it is “way more” than she liked to see with one way in/out. The project is ¼ mile from Traditions on the Monon—traffic is 500 cars easily. There was not much discussed about the Creek.

Jim Shinaver's understanding of the Creek area is that it is contained within the tree conservation area and the petitioner would not be constructing anything in that area. In the area defined as the tree conservation area, the petitioner would not be disturbing that area. The existing trees that are identified in the tree conservation area shall not be removed from the real estate except as follows: a) Necessary to clear any underbrush and dead trees to allow the existing, healthy trees to continue to develop; b) As is necessary for installation of drainage improvements (outlet pipes) and infrastructure; and c) As necessary for public health and safety.

Dan Dutcher commented that he was pleased to see the connection to the Cool Creek Trail and the anticipated flow to the Monon. What is anticipated in the tree preservation area?

David Leazenby, Buckingham Properties explained that the light green area close to 136th Street is actually a floodplain.

Rick Ripma commented that the tree preservation area basically lines up with the floodway; the petitioner cannot build there or touch the trees.

In response to questions from Mark Rattermann, David Leazenby said a demographic study had been done and persons 45 to 60—more active adults would be in residence in the townhomes.

Mark Rattermann was concerned about one way in/out and asked if there was perhaps a break-away bar or something for emergency vehicle access from the school property in the event the in/out access was blocked.

David Leazenby responded that the petitioner is will to meet with the Fire Department regarding an emergency access point for City emergency vehicles.

Docket No. 05050004 Z, Arden Townhomes was referred to the Special Study Committee for further review on July 05, 2005 at 6:00 PM.

9h. Docket No. 05050005 PP: Yorktown Woods - Primary Plat

The applicant seeks to plat a residential subdivision of 33 lots on 12.4 acres.

Docket No. 05050006 SW: 07.05.07 (2) – Woodlands

The applicant seeks to remove 44% percent of the existing young woodlands (ordinance permits only 30% clearing). The site is located S of Laura Visa Drive Stub/E of SR 431. The site is zoned R1/Residential.

Filed by Gary Merritt.

Charlie Frankenberger, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant, MHE Development. Also in attendance: Bob Ellis; Brian Cross, Civil Environmental Consultants.

The subject real estate consists of 12.4 acres located north of 136th Street. The site is small, wooded, and currently occupied by a landscape business and a rented residence. The plat will consist of 33 lots as indicated on the drawings.

There is a tree preservation plan included in the information packets. MHE has requested a waiver to permit the clearing of 45% of young woodlands that represents an additional .291 acres, however, MHE is re-foresting .38 acres as shown on the rendering of the plat. The Engineers have submitted an inventive and unusual plan and it has been suggested that the petitioner apply for the National Arbor Day Building with Trees Award.

The Department Report indicates that Taft Hall on two cul-de-sacs encroaches into the 30-foot greenbelt buffer required by the Keystone Avenue Overlay. The petitioner will resolve the situation by shifting the cul-de-sacs so that the asphalt is not within the 30-foot greenway buffer.

The plan provides for inter-connectivity between the subject site and presently undeveloped real estate to the south, once it is developed. There are many stub streets into the site from adjacent neighborhoods, Foster Estates, Smokey Ridge, and Smokey Hollow in expectation of future development.

The petitioner believes this development provides a desirable transition from Keystone Avenue on this small parcel of real estate. The homes will be up-scale with a price range from \$350, to \$450,000.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition, the following appeared:

Remonstrance/General Public/Unfavorable

Robin Ridge 2742 Maralice Drive, had a major concern with the size of the lots—they are not congruent with adjacent subdivisions in the immediate area; increased traffic; price point of the homes; and the number of garages. Also concerned with notification signs and setbacks of the lots.

Mike Elkin, 2745 Maralice Drive, reiterated the concerns regarding the traffic and the lot sizes. Construction traffic entrance is a big concern; the builder is unknown; facades are a concern; also a major concern is the 12 acres that holds the key to the 100 acres adjacent to the east. There is also a concern with stub streets and the traffic from Matt Street—the 12 acres south of his home—stub streets, traffic from Matt Street, and approximately 40 children in area. Margaret Hohl's home blocks those stub streets—if her home remains, the road will not come through. All of the traffic, not only from the 12 acres but also the 100 or so acres behind Mr. Elkin's home will come directly up Matt Street. Mr. Elkin said he would like to see a proposal with an exit from the 12 acres that actually goes on to the 146th Street off ramp to at least get the flow of traffic. Mr. Elkin said that he and a neighbor, Mr. Kidd, would be willing to work with the City to give land to make it a dead-end street or court to keep the traffic from coming through—that is an option.

Public Hearing Closed

Charlie Frankenberger noted that everyone that was required to receive notice did get noticed. In addition, a neighborhood meeting was held and invitations sent to everyone who received a notice. A notice was also mailed to the resident of Foster Estates with the invitation by email so that it could be disseminated to everyone in Foster Estates. A neighborhood meeting was also held. Regarding the construction traffic, the petitioner has committed to use the service road to the extent it is available. Regarding residential traffic, what is proposed follows the Ordinance. This proposal is for a small, 33-lot community and the density is below the permitted and the amount of residential traffic generated will be below that which corresponds to the permitted density. In general, it is helpful in considering some of the remarks to take note of the nature of the request and the location of the real estate.

The nature of the request is for Primary Plat approval and not for a change in zoning. The ROSO would permit a density of approximately 3.7 lots per acre; the proposed density is much less at 2.66 units per acre. The required open space is 20%, the open space provided is 39%. Under the R-1 classification, there are not architectural standards; minimum house size for a single story home is 1100 square feet, 900 square feet for the first floor of a two-story home. The proposed commitments in the brochure establish a greater minimum house size and architectural requirements. The commitments specify architectural standards such as corner breaks, ridge lines, specific exterior building materials, including the first floor brick wrap, and prohibit vinyl siding.

The subject real estate abuts the heavily traveled Keystone corridor. The petitioner believes that this is a transitional parcel. Other uses north and south on Keystone include single family and also multi-family and commercial uses. Of all the uses that might seek approval for this small parcel, this proposed use is a desirable use and provides excellent transition.

Department Comments, Matt Griffin offered no additional comments.

Mark Rattermann's comments: The petitioner is in compliance with the Ordinance with a few minor exceptions. The Commission really does not have the freedom to say yes or no when they comply with the Ordinance as written. There is a lot of latitude with a rezone—this is a primary plat and the approval of this design is governed by the Ordinance.

Dan Dutcher was complimentary of the trailhead links through cul-de-sacs—it is a nice feature. The exact course of the Cool Creek Trail is not known, but if the south end of the property abuts the Cool Creek Trail, Dan would like to see a link to the trail.

Matt Griffin responded that the trail actually goes north of this site through Laura Vista and there is what looks like an easement to the south.

Docket No. 05050005 PP, Yorktown Woods, Primary Plat and 05050006 SW, Woodlands, were referred to the Subdivision Committee for further review on July 05, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

10h. Docket No. 05060009 CPA: Thoroughfare Plan Amendments

The applicant seeks to amend the Comprehensive Plan pursuant to the application and plans filed with the Department of Community Services as follows:

Amend the *20-Year Thoroughfare Plan* of the Carmel/Clay Vision 2020 Comprehensive Plan as previously amended.

Filed by the Carmel **Department of Community Services.**

Adrienne Keeling, City Planner with the Department of Community Services appeared before the Commission representing the applicant.

The Department is proposing some minor changes to the 20-year Thoroughfare Plan Map at this time with the caveat that the Department will be bringing forth a more comprehensive up-date, perhaps this fall. For the most part, those changes are self-explanatory.

Firstly, the first change is re-aligning Third and Fourth Avenue SW to the classification of "Collector Street." 2) Straightening out the right angles, thereby bringing the higher order street into the proposed round-about at Main Street. The round-about was designed as a part of the Monon on Main development. 3) Extending First Avenue SW south to City Center Drive, all the way to Veterans Drive. 4) Adding the Grand Boulevard alignment that was adopted as a part of the Old Meridian District Plan, including the round-about at the intersection of Old Meridian. 5) Extending AAA Way north from Carmel Drive to connect with Range Line Road and 126th Street.

Members of the public were invited to speak in favor of or opposition to the proposed changes in the Thoroughfare Plan; no one appeared and the public hearing was closed.

Mark Rattermann made formal motion to suspend the Rules of Procedure to bring this item to a vote, seconded by Dianna Knoll, Approved 8 in favor, none opposed, one abstaining (Rhoad.)

Dianna Knoll made formal motion to forward **Docket No. 05060009 CPA, Thoroughfare Plan Amendments**, to the City Council with a positive recommendation, seconded by Dan Dutcher, Approved 8 in favor, none opposed, one abstaining (Rhoad.)

***10 Minute Recess**

See Item 3h. heard out of sequence at this time.

I. Old Business:

1i. Docket No. 05040003 DP/ADLS: Fidelity on Meridian

The applicant seeks approval to construct a 2 story, multi-tenant office/retail building on 2.36 acres with the following Zoning Waivers:

Docket No. 05040004 ZW: 23 B.08.03 A (1): Minimum Building Height

Docket No. 05040005 ZW: 23 B.08.01 C: Build-to Lines

The site is located at 11450 N. Meridian Street and is zoned B6/Business and is within the US 31 Corridor.

Filed by John Robinson for JRR Meridian, LLC.

Charlie Frankenberger, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also present: John Robinson, JRR Meridian, and Chris McComas, Engineer.

The proposal was reviewed by the Special Study Committee on June 7, 2005. The site is located at 11450 North Meridian Street and currently contains the Sunrise Café building.

The petitioner will be appearing before the Board of Zoning Appeals on Monday for the Development Standards Variance.

Jerry Chomanczuk reported for the Special Study Committee. The Committee liked the design of the building and the introduction of retail amenities into the location. Also, the fact that the petitioner is adding considerable landscaping along US 31, and the flow of traffic being self-contained within the building footprint works very well. The building is also introducing some “green” technology, and the sign package was not seen as “Offensive.”

The Committee liked everything about the project and had voted 4-0 unanimously to approve.

Jerry Chomanczuk moved for approval of **Docket No. 05040003 DP/ADLS, Fidelity on Meridian**, together with **Docket No. 05040004 ZW, and 05040005 ZW**, seconded by Dan Dutcher, APPROVED 8 in favor, none opposed, one abstaining (Rhoad.)

2i. Docket No. 05020020 PP: Overbrook Farms - Primary Plat

The applicant seeks to plat a residential subdivision of 111 lots on 84.16 acres± and seeks the following subdivision waiver:

Docket No. 05030020 SW: 06.03.19 (4) - Access to Arterials

The site is located northwest of 141st Street and Shelborne Road and zoned S-1.

Filed by Dave Barnes of Weihe Engineers for WTFOT, LLC.

Dave Barnes, Weihe Engineers, 10505 North College Avenue, Indianapolis appeared before the Commission representing the applicant. David Morton, 1018 Henley Circle, Carmel, WTFOT.

The applicant is seeking Primary Plat approval for Overbrook Farms and Subdivision Waiver for access to arterials. The property is located west of Shelborne Road between 141st and 146th Streets. The petitioner appeared before the Subdivision Committee for additional review on June 7, 2005 and received a 5-0 favorable recommendation.

David Morton, 1018 Henley Circle, Carmel appeared before the Commission said the petitioner had met with adjoining property owners on two different occasions to discuss issues and concerns and also met with Scott Brewer, Urban Forester, regarding trees and landscaping.

Rick Ripma reported for the Subdivision Committee. The access to common areas was discussed as well as drainage issues. The neighboring residents brought in pictures showing the tree line, etc. Access to the community and road location was also discussed. The Committee voted 4-0 to recommend approval.

Department Report, Matt Griffin said Scott Brewer had met with the applicant on site and verified the required plantings and buffer yards.

Dianna Knoll made formal motion to approve **Docket No. 05020021 PP, Overbrook Farms Primary Plat and Docket No. 05030020 SW, Access to Arterials**, seconded by Rick Ripma, **APPROVED** 8 in favor, none opposed, one abstaining (Rhoad.)

3i. Docket No. 05020024 PP: Pine Creek- Primary Plat & Subdivision Waivers

The applicant seeks to plat a residential subdivision of 4 lots on 10.25 acres±. The applicant also seeks the following subdivision waivers:

05020025 SW :	6.03.20	private streets
05020026 SW:	6.03.07	cul-de-sac length
05020027 SW:	6.03.03	street alignment/stub streets
05050015 SW:	6.03.06	pavement and right of way widths
05050016 SW:	8.09	sidewalks and pedestrian path
05050017 SW:	8.08	curbing
05050018 SW:	6.05.07	orientation of home

The site is located northeast of 116th Street and Hoover Road. The site is zoned S1.

Filed by Rodney Kelly of Roger Ward Engineering for Bear Lake Trading Co.

Murray Clark, attorney, One Indiana Square, Suite 220, Indianapolis; Matt Maple, Roger Ward Engineering; Bill Tait, Bear Lake Trading Co.; Ed Fitzgerald, property owner.

The applicant is requesting Primary Plat approval together with Subdivision Waivers for the purpose of platting a residential 4-lot subdivision on 10 acres. The property is zoned S-1 Residential and located east of Hoover Road and west of the Ditch Road round about on 116th Street. The Subdivision will be a private, gated community and therefore will have a private street.

There is an existing bridge on lot 4 on an existing driveway that will remain. A new bridge is located on lot 3 on the driveway from the common drive to the individual home itself. The cul-de-sac length is approximately 100 feet in excess of the maximum length by Ordinance. The length is thought to be appropriate because of the small number of lots and because of the location of the Creek.

The waiver is requested for street alignment with stub streets; this requirement would take away from the rustic nature of this plat. The pavement and right-of-way width is required at 30 feet—the proposed is 24 feet. The sidewalks and pedestrian path are requested for waiver.

The subdivision waiver regarding sidewalks and pedestrian paths has been withdrawn along 116th Street. Mr. Clark felt that the sidewalk and pedestrian path would be inconsistent with the nature of the other subdivision waivers. The Department Report notes that the petitioner has agreed to connect when either side adjacent to the site and development is imminent.

The final subdivision waiver has to do with orientation of the home on lot. It is not exactly known where a purchaser would want the home on lot 1 or how they would want it oriented; the petitioner is seeking flexibility. The actual gated entrance to the community is set back from 116th Street and incorporated with a stone wall and a turn-around.

The primary plat and waivers are being returned to the full Commission with a positive recommendation from the Plan Commission.

Committee Report, Rick Ripma commented that this is a unique piece of ground with only 4 lots proposed. One of the issues was no sewers and two of the lots would have to share a septic system. Two of the Committee members were not in favor of the private streets and a gated community; however, they did like this particular setup. The gates are back a distance from the road and cannot be seen—there are also a lot of gates in this area. Regarding the sidewalks and path, they could be put off indefinitely, since each one is waiting for another to install them. This particular development has a very short distance for a path, and the Commission should seriously consider requiring installation of the path rather than waiting for the adjacent neighbors. The orientation of the home is off 116th Street installation of the adjacent neighbors. The orientation of the homes is off 116th Street with a lot of landscaping and trees to block the homes. The Committee was comfortable with not having the house face the direction normally preferred.

The Committee voted 5-0 to recommend approval of the primary plat and subdivision waivers.

Department Report, Matt Griffin said the Department is recommending condition upon the installation of the path at the appropriate time.

Point of Information: Mark Rattermann assumed the septic system was temporary. An access easement for sewer/septic may be needed and should be researched.

Diana Knoll made formal motion to approve **Docket No. 05020024 PP, Pine Creek Primary Plat & Subdivison Waivers 05020025 SW, 05020025 SW, 05020027 SW, 05050015 SW, 05050016 SW, 05050017 SW, and 05050018 SW, conditioned upon** a written commitment from the petitioner to install the pedestrian path along 116th Street at the time a path is constructed on adjacent property to the east or west, whichever occurs first, seconded by Rick Ripma, Approved 8 in favor, none opposed, 1 abstaining (Rhoad.)

4i. Docket No. 05050052 ADLS Amend: Family Christian Store

The applicant seeks to install new wall signage & awnings. The site is located at 715 E Carmel Dr. It is zoned B-8/Business and is in the US 431 Overlay.
Filed by Randy Whiteman of North American Signs.

Randy Whiteman, North American Signs appeared before the Commission representing the applicant. The Family Christian Store will be located at 715 East Carmel Drive, the former site of the Pier One Imports Store.

Some revisions have been made to the drawings and those were explained. The petitioner initially requested awnings on the buildings; however, the Committee was not in favor saying it looked as if the windows beneath the awnings had been “bricked up.” Instead, purple shading was utilized in the transom windows. A simulated stained glass look will be utilized.

The signage being proposed is within the boundaries of the Ordinance, white, reverse channel letters on purple background with white LED.

Committee Report, Jerry Chomanczuk. This location is a very important corner, Keystone and Carmel Drive, and whatever was approved had to look right. Initially, there were too many awnings and additional “touches” that added to the detriment of the building, particularly the awnings. It was suggested that a more simple approach be made and the petitioner requested hearing at the full Plan Commission because of their time constraint. The Committee would probably recommend approval at this point.

Department Report, Matt Griffin. The Department is recommending approval after all concerns have been addressed.

There was much discussion and request for clarification of the definition of Signage.

Note: Wayne Haney exited the meeting during discussion of this item and did not return.

The petitioner agreed to certain revisions.

Dan Dutcher made formal motion to approve **Docket No. 05050052 ADLS Amend, Family Christian Bookstore**, conditioned upon the elimination of the horizontal bands on the sides of the building, removal of blue from transom glass and bumpouts—glass is to be clear, no purple except for the areas over the storefront tower elements, and three signs—white reverse channel letter on purple background with white LED, seconded by Jerry Chomanczuk, Approved 7 in favor, 0 opposed, 1 abstaining (Rhoad.)

J. New Business:

1j. Docket No. 05050021 ADLS: 96th Street Professional Park – Building 3

The applicant seeks approval of a 10,121 sq. ft. office building, related site design, and parking. The site is located at 9745 Randall Drive and is zoned B3/Business. Filed by Stacy Fouts of Insight Engineering.

Don Fisher, Insight Engineering appeared before the Commission representing the applicant. The applicant is seeking approval to construct a third office building consisting of 10,121 square feet, located at 9745 Randall Drive. (96th Street Auto Park) The 96th Street Professional Park was approved as a Special Use through the Board of Zoning Appeals, and each building requires ADLS approval.

Department Report, Matt Griffin. The applicant is to provide verification from the County Surveyor, Engineering, and Soil & Water that all flood plain and drainage issues have been resolved. The landscaping is an issue; the dumpster elevation and screening is to be submitted. More detail is requested for the signage. The site plan should indicate the pedestrian access. Color elevations, detail and material samples are also required.

Docket No. 05050021 ADLS, 96th Street Professional Park, Building 3 was referred to the Special Study Committee for further review on July 5, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

There being no further business to come before the Commission, the meeting adjourned at 10:30 PM.

Leo Dierckman, President

Ramona Hancock, Secretary